

1 BILL NO. S-80-05- 19

2 SPECIAL ORDINANCE NO. S- 60-80

3  
4 AN ORDINANCE approving a contract for  
5 Sewage Works Grant No. C-180599-01 be-  
6 tween the City of Fort Wayne, Indiana  
7 and Clark Dietz Engineers in the prep-  
8 aration of a modified facility plan for  
9 the Lakeside Study Area.

10 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
11 INDIANA:

12 SECTION 1. That a certain contract, dated April 2, 1980, between  
13 the City of Fort Wayne, Indiana, by and through its Mayor and the Board of  
14 Public Works, and Clark Dietz Engineers for:

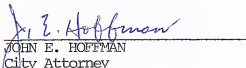
15 assisting the Water Pollution Control  
16 Engineering Department in the preparation  
17 of a modified facility plan for the Lake-  
18 side Study Area, preparatory to submitting  
19 to both State and Federal agencies for con-  
20 struction of above numbered project.

21 under Board of Public Works Sewage Works Grant No. C-180599-01 at a total  
22 cost of \$5000.00, all as more particularly set forth in said contract  
23 which is on file in the Office of the Board of Public Works and is by  
24 reference incorporated herein and made a part hereof, be and the same is  
25 in all things hereby ratified, confirmed and approved.

26 SECTION 2. That this Ordinance shall be in full force and effect  
27 from and after its passage and approval by the Mayor.

28  
29   
30 COUNCILMAN

31 APPROVED AS TO FORM AND  
32 LEGALITY MAY 13, 1980.

33   
34 JOHN E. HOFFMAN  
35 City Attorney

Read the first time in full and on motion by Burns, seconded by Dean, and duly adopted, read the second time by title and referred to the Committee City of Fort Wayne (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 5-13-80

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Dean, and duly adopted, placed on its passage. PASSED (lost) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	_____	_____	_____	_____
BURNS	<u>✓</u>	_____	_____	_____	_____
EISBART	<u>✓</u>	_____	_____	_____	_____
GIAQUINTA	<u>✓</u>	_____	_____	_____	_____
NUCKOLS	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>✓</u>	_____	_____	_____	_____
SCHOMBURG	<u>✓</u>	_____	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 5-27-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) \_\_\_\_\_ (GENERAL) \_\_\_\_\_ (ANNEXATION) \_\_\_\_\_ (SPECIAL) \_\_\_\_\_ (APPROPRIATION) ORDINANCE (RESOLUTION) No. S-60-80 on the 27th day of May, 19 80.

ATTEST:  
Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)  
Vivian G. Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 19 80, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 2nd day of June 19 80, at the hour of 10 o'clock A. M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

BILL NO. S-80-05-19

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS REFERRED AN  
ORDINANCE approving a contract for Sewage Works Grant No.

C-180599-01 between the City of Fort Wayne, Indiana and Clark  
Dietz Engineers in the preparation of a modified facility plan  
for the Lakeside Study Area

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE CLAYTON COUNCIL THAT SAID ORDINANCE DO PASS.

PAUL M. BURNS, CHAIRMAN

BEN EISPART, VICE CHAIRMAN

JOHN NUCKOLS

MARK GIAQUINTA

ROY SCHOMBURG

5-27-80

CONCURRED IN

DATE            CHARLES W. WESTERMAN, CITY CLERK



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

board of public works

March 24, 1980

The Common Council  
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

A Contract Agreement is being entered into with Clark Dietz Engineers, Inc. to assist the WPC Engineering Department in the preparation of a Modified Facility Plan for the Lakeside Study Area in the amount of \$5,000.00.

This Modified Facility Plan will be completed on or before April 25, 1980, in order that it may be submitted to both the State and Federal Agencies for the eventual funding of the construction of this project under Sewage Works Grant No. C-180599-01.

A Contract Agreement for your formal approval will be submitted to you at the next regularly scheduled councilmanic meeting.

Therefore, Board of Works respectfully requests a "Prior Approval" so that the above-described plan will be completed on schedule.

Sincerely,

BOARD OF PUBLIC WORKS

  
MARK L. AKERS, CHAIRMAN

CITY OF FORT WAYNE

  
WIN MOSES, JR., MAYOR

pb/ep

APPROVED

  
Samuel J. Talarico

  
J. Schmidt

  
Vivian Schmidt

  
John Schuchler

  
James J. Stine

MEMBERS OF THE COMMON COUNCIL

ATTEST:

  
CHARLES W. WESTERMAN, CLERK

orig.  
6/12/80

69-14-14 H.I  
4/23/80

AGREEMENT

FOR

PROFESSIONAL ENGINEERING SERVICES

ON

SEWAGE WORKS GRANT NO. C-180599-01

BY AND BETWEEN

CITY OF  
FORT WAYNE, INDIANA

AND

CLARK DIETZ ENGINEER, A DIVISION  
OF CRS GROUP ENGINEERS, INC.

AGREEMENT

THIS AGREEMENT, by and between the CITY OF FORT WAYNE, INDIANA, acting by and through its Mayor and Board of Public Works, hereinafter referred to as the OWNER, and CLARK DIETZ ENGINEERS, A DIVISION OF CRS GROUP ENGINEERS, INC., hereinafter referred to as the ENGINEER, WITNESSETH THAT:

WHEREAS, the OWNER is in need of and desires certain Professional Engineering Services on Sewage Works grant No. C-180599-01, hereinafter referred to as the PROJECT;

WHEREAS, the ENGINEER agrees to perform the Professional Engineering Services on the PROJECT for such fees as thereafter set forth; and

WHEREAS, the OWNER agrees to employ the ENGINEER for the Professional Engineering Services as thereafter set forth in this AGREEMENT.

NOW, THEREFORE BE IT RESOLVED, that the OWNER and the ENGINEER agree to the following terms for the Professional Services on this PROJECT:

ARTICLE 1. SCOPE OF THE PROJECT

For the purpose of this AGREEMENT, the project scope consists of an evaluation of the Facility Plan prepared by the OWNER for the Lakeside Interceptor Project; a copy of which is on file in the Board of Public Works and is by reference incorporated herein and made a part hereof.

ARTICLE 2. DUTIES OF THE ENGINEER

The ENGINEER will:

Review the Facility Plan for the Lakeside Interceptor Project as prepared by the OWNER,

Evaluate sewer sizing based on projected tributary sewer capacities,

Perform cost-effective analysis and evaluation of various sewer routings as contained in the Facility Plan, and

Attend all necessary meetings and coordinate with regulatory agencies for approval of the Facility Plan as modified.

ARTICLE 3. DUTIES OF THE OWNER

The OWNER shall make available all information and records which may be used by the ENGINEER in performing the engineering services authorized by the OWNER.

The OWNER shall designate an individual with full authority to speak for the OWNER to coordinate all activities of the ENGINEER as they relate to the OWNER.

AGREEMENT

CITY OF FORT WAYNE, INDIANA  
2 APRIL 1980  
PAGE 3

The OWNER shall complete necessary work to provide an environmental assessment and evaluate the project impact on local historic and archaeological values.

The OWNER shall prepare responses as required to regulatory agencies' previous comments on the Facility Plan.

#### ARTICLE 4. PAYMENTS TO THE ENGINEER

The OWNER will pay the ENGINEER for basic services performed under ARTICLE 1, a lump sum fee of Five Thousand Dollars (\$5,000).

Payment on account of all fee for basic services shall be made monthly upon presentation of the ENGINEER's statement. The monthly statements will be based on estimated completion of the work.

#### ARTICLE 5. SUCCESSORS AND ASSIGNMENTS

The OWNER and the ENGINEER each binds himself and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither the OWNER nor the ENGINEER shall assign, sublet or transfer his interest in this Agreement without the



written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the OWNER and the ENGINEER.

#### ARTICLE 6. TERMINATION OF THIS AGREEMENT

Either of the parties hereto may terminate this Agreement at any time upon not less than ten (10) days written notice to the other party. In the event this agreement is terminated prior to completion of the work, a final payment shall be made to ENGINEER which, when added to any payments previously made, shall equal the total percentage of work satisfactorily completed.

All data, materials and analyses prepared or produced by the ENGINEER herein shall become the exclusive property of the OWNER. ENGINEER shall have no rights in or claim against said OWNER for said data, materials and analyses prepared or produced for OWNER.

#### ARTICLE 7. EXECUTION

The OWNER and the ENGINEER do hereby agree to full performances of the above covenants.

AGREEMENT

CITY OF FORT WAYNE, INDIANA  
2 APRIL 1980  
PAGE 5

IN WITNESS WHEREOF, the parties hereto do execute this AGREEMENT this

23rd day of April, 1980.

CITY OF FORT WAYNE, INDIANA (OWNER)

By: Win Moses, Jr.  
Win Moses, Jr., Mayor

BOARD OF PUBLIC WORKS  
CITY OF FORT WAYNE, INDIANA

Mark L. Akers  
Mark L. Akers, Chairman

Herbert R. Gamache  
Herbert R. Gamache, Member

Roberta Anderson Staten  
Roberta Anderson Staten, Member

ENGINEER:

CLARK DIETZ ENGINEERS, DIVISION  
CRS GROUP ENGINEERS, INC.

James R. Schmitt  
Vice President

ATTEST:

Paul W. Chubbell  
Assistant Secretary

Approved as to Form & Legality

Associate City Attorney

ATTEST:

Sandra E. Kennedy  
Sandra Kennedy, Clerk,  
Board of Public Works

TITLE OF ORDINANCE SPECIAL ORDINANCE - AGREEMENT WITH CLARK DIETZ ENGR., INC. FOR SEWAGE WORKS  
GRANT NO. C-180599-01, \$5000.00

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

*8-80-05-19*

SYNOPSIS OF ORDINANCE AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES, SEWAGE WORKS GRANT NO.

C-180599-01, CLARK DIETZ ENGINEER, A DIVISION OF CRS GROUP ENGINEERS, INC. FOR ASSISTING THE

WPC ENGINEERING DEPARTMENT IN THE PREPARATION OF A MODIFIED FACILITY PLAN FOR THE LAKESIDE

STUDY AREA, PREPARATORY TO SUBMITTING TO BOTH STATE AND FEDERAL AGENCIES FOR CONSTRUCTION

OF ABOVE-NUMBERED PROJECT.

(AGREEMENT ATTACHED)

PRIOR APPROVAL ACQUIRED, A COPY OF WHICH IS ATTACHED HERETO

EFFECT OF PASSAGE NECESSARY STUDY FOR PREPARATION OF ABOVE DESCRIBED FACILITY PLAN

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$5000.00 FROM CITY UTILITIES

ASSIGNED TO COMMITTEE